

K
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

DELMER B GARRETT

Plaintiff,

Vs.

ENDEAVOR INDUSTRIES, INC.,
A foreign corporation,

Autry Stephens,

Defendants.

05CV0399 CVE-PJC

Case No. _____

FILED

JUL 13 2005

Phil Lombardi, Clerk
U.S. DISTRICT COURT

**Title 18 PETITION AND CLAIM IN THE NATURE OF A CLAIM FOR
INJURIES CAUSED BY BREACH OF DUTY AND FRAUD**

Combination of complaint under USC 1964(a)
Federal question Judicial 28 USC § 1331

US Code 30 USC Sec §1719, 1720 Chapter 29 of Oil and Gas Royalty and Minerals
SW Corner of Sec 27, Twp 22 N, R 13, Washington Co, Oklahoma

Under defrauding Mr Garrett we're asking under 28 US 1332 because the amount is
controversial, exceeding \$75,000.00 and punitive damages.

First Cause of Action: May, 2004 Endeavor purchased the line from Bellport purchased
the line and the contracts and the obligation. Since then we've not received a royalty
check.

Second Cause of Action: They abolished contract and verbal agreement between
Bellport and I and started charging line charges of 14%.

Third Cause of Action 3: The contract with Bellport which Bellport shows that they get
30% across the board. Endeavor is taking over 60%. Not only are they taking 60% of
the working interest but they're taking all the royalty.

Fourth Cause of Action: Endeavor Energy defrauded Mr Garrett of the property in the
form of gas and continued to defraud Mr Garrett of for Endeavor Energy defrauded
bringing the Federal question and Endeavor Energy has entered stolen gas in the stream

forms
fees
S/I

of Interstate Commerce. Endeavor Energy cannot erect a defense, a mistake in fact due to being placed on notice 1 November 2004.

Fifth Cause of Action: Unsavory bookkeeping practices of defrauding and extortion of natural gas is a felony. We would like an audit of such books to show the severity of the problem.

Conclusion: You should award Mr Garrett three times the amount of gas that was stolen plus punitive damages that's going across interstate commerce. You should award Mr Garrett punitive damages because, in fact, it was his money. There's no factor or ignorance when you have the bookkeeping from Bellport to show the working and royalty interest. We'll be filing a title opinion with the petition to show the working interest and the royalty interest in which they were notified in November, 2004 of their unsavory bookkeeping practices.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Delmer B. Garrett". The signature is written in dark ink and is positioned above a horizontal line.

Delmer B Garrett

Prepared by Delmer B Garrett

STATE OF OKLAHOMA)
) §
WASHINGTON COUNTY)

Before me, the undersigned, a Notary Public in and for said county and state, on this 13th day of July, 2005 personally appeared the person, personally known to me to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed, for the uses and purposes therein set forth.

Ludy M. Mitchell

Notary Public

SEAL

My commission expires: Aug. 24, 2007.

Delmer B Garrett
38510 US HWY 75
Ramona, OK 74061
918-371-6424

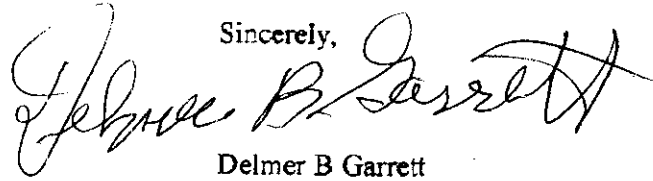
1 November 2004

Endeavor Energy Resources, L.P.
110 Marienfeld - St 200
Midland, TX 79701

Dear Sirs:

I request that you separate 3/16's out of the working interest, giving me two checks.

Thank you.

Sincerely,

Delmer B Garrett

SPECK PHILBIN ATTORNEYS

A PROFESSIONAL CORPORATION

200 NORTH OKLAHOMA, SUITE 1000

OKLAHOMA CITY, OKLAHOMA 73102-0000

TELEPHONE (405) 232-4000

FAX (405) 232-0000

JOHN A. SPECK, President
JAMES A. PHILBIN, President
JAMES A. PHILBIN, President
JAMES A. PHILBIN, President
JAMES A. PHILBIN, President
JAMES A. PHILBIN, President
JAMES A. PHILBIN, President
JAMES A. PHILBIN, President
JAMES A. PHILBIN, President
JAMES A. PHILBIN, President

Gordon #2 Garrett-

February 12, 1999

**DIVISION ORDER
TITLE REVIEW AND REPORT WITH
DISTRIBUTION OF RECORDS INSTRUCTIONS**

Delmer B Garrett
38510 US Hwy 75
Ramona, OK 74061

Well: Gordon #2 Well (Garrett Section 22 Lease)
(Coal Seam Gas)
Legal: SW/4 NW/4
Section 22-722N-R13E
Containing 40.00 Acres, More or Less
(the "Subject Property")
County: Washington
State: Oklahoma
Our File Number: 342
REC'D. # Number: [NO REC'D]

Ladies and Gentlemen:

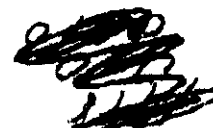
Pursuant to your request, this Division Order Title Review and Report is based on the examination of the records of the captioned County Clerk's Office. If any other information was examined, I have listed it on Exhibit "A" attached hereto and made a part hereof. Unless otherwise noted, all recording references are to the records of the captioned County, Oklahoma, Clerk's Office.

Subject to the Requirements set forth herein, I find record title to the Subject Property to be vested as set forth below as of January 12, 1999, at 8:00 A.M.

RECORD TITLE INTEREST

SURFACE OWNERSHIP:

Owner: The heirs or devisees of Ruth Garrett, Deceased(1)



Gordon #2 Well (Garrett Section
 22 LeaseJ0
 SW/4 NW/4
 Section 27-T22N-R13E
 Washington County, Oklahoma
 Page 23

EXHIBIT "F"

PAY INSTRUCTIONS

TO: TEC RESOURCES, L.L.C.
 FROM: JAMES D. KALLSTROM
 DATE: FEBRUARY 12, 1999, EFFECTIVE JANUARY 121, 1999, AT 8:00 AM

Subject to Comments and Requirements, you may distribute proceeds from the sale of coal seam gas from any well on the captioned land as follows:

Delmer B Garrett 38510 US Hwy 75 Ramona, OK 74061	0	21.75 RI
Delmer B Garrett 38510 US Hwy 75 Ramona, OK 74061	100%	.7825000 WI

RECAPITULATION

TOTAL ROYALTY INTERST	21.75 RI
OVERRIDING ROYALTY INTERST	.0300000
TOTAL WORKING INTEREST	<u>.7825000 WI</u>
TOTAL NET REVENUE INTEREST	1.0000000

31: REVENUE PAYABLES HISTORICAL TOTALS FOR DATE - *ALL* *ALL* RP06P:136 PAGE: 1
 RP20P Inquiry/Print Owner Paid History FWK 06:25-AM JUL 12, 2005
 FROM RUN MONTH: *ALL* THRU RUN MONTH: *ALL* WELL# 590910

REFER/SEQ.	RUN REV	VOLUME	NET	TOTAL	NET	TOTAL	NET	NET OTHER	CHECK	CHECK	NET
& TYPE	M/Y TYPE	MGF/BBL	MGF/BBL	SALES	SALES	TAXES	TAXES	DISCOUNT	NUMBER	DATE	REVENUE
CAN126 : DELMER GARRETT				440-20-3966	NOT INCORPORATED		ALL REVENUE INTEREST				
590910	GARRETT GORDON #2										
013101	A 1/01WG	381	333	1,850.33	-1,519.04	133.16	-116.52	.00	9380	05/15/02	-1,502.52
	RG		48		-231.29		-16.64	.00	9380	05/15/02	-214.65
0131001	R 1/01WG	381	333	1,850.38	1,619.08	133.16	116.52	.00	1421	05/15/01	1,502.56
	RG		48		231.30		16.64	.00	1421	05/15/01	214.66
013101	R 1/01WG	381	333	1,850.38	1,619.08	133.16	116.52	.00	9380	05/15/02	1,502.56
	RG		48		231.30		16.64	.00	9380	05/15/02	214.66
032901	R 2/01WG	585	512	1,932.81	1,691.21	139.12	131.74	.00	1770	04/15/01	1,569.47
	RG		73		241.60		17.38	.00	1770	04/15/01	224.22
033101	R 3/01WG	1449	1,268	4,042.19	1,536.32	290.97	254.60	.00	1421	05/15/01	2,282.32
	RG		181		505.27		36.37	.00	1421	05/15/01	468.90
043001	R 4/01WG	1394	1,220	3,880.80	1,396.70	279.34	244.43	.00	7719	06/15/01	1,151.27
	RG		174		485.10		34.91	.00	7719	06/15/01	450.19
053101	R 5/01WG	1581	1,383	3,535.87	1,146.19	258.86	226.50	.00	7889	07/15/01	2,019.89
	RG		198		449.48		32.36	.00	7889	07/15/01	417.12
053601	R 6/01WG	1531	1,340	2,928.86	2,562.75	210.85	184.49	.00	8051	08/15/01	2,379.26
	RG		191		366.11		26.16	.00	8051	08/15/01	339.75
073101	R 7/01WG	1277	1,117	2,190.29	1,916.58	157.71	138.00	.00	8214	09/15/01	1,778.30
	RG		160		273.79		19.71	.00	8214	09/15/01	254.09
083001	R 8/01WG	1658	1,451	2,546.01	2,246.16	184.77	161.68	.00	8373	10/15/01	2,083.58
	RG		207		320.75		23.09	.00	8373	10/15/01	297.66
093001	R 9/01WG	1736	1,519	1,935.43	1,693.50	139.41	121.99	.00	8523	11/15/01	1,571.51
	RG		217		243.93		17.42	.00	8523	11/15/01	224.51
103101	R 10/01WG	1832	1,603	2,367.82	2,071.84	170.51	149.21	.00	8685	12/15/01	1,923.63
	RG		229		295.98		21.32	.00	8685	12/15/01	274.66
113001	R 11/01WG	1637	1,433	1,985.10	1,736.96	142.98	125.10	.00	8852	01/15/02	1,611.86
	RG		205		248.14		17.88	.00	8852	01/15/02	230.26
123101	R 12/01WG	1837	1,315	1,878.74	1,643.90	145.82	116.41	.00	8982	02/15/02	1,525.49
	RG		192		234.84		16.91	.00	8982	02/15/02	217.93
013102	R 1/02WG	1764	1,544	2,555.83	2,236.35	184.05	161.05	.00	9143	03/15/02	2,075.10
	RG		221		115.48		23.00	.00	9143	03/15/02	296.48
022802	R 2/02WG	1592	1,393	1,696.43	1,494.38	122.20	106.93	.00	9237	04/15/02	1,377.45
	RG		199		212.05		15.27	.00	9237	04/15/02	196.78
033102	R 3/02WG	1176	1,029	1,499.87	1,312.39	108.03	94.52	.00	9380	05/15/02	1,217.87
	RG		147		187.48		13.51	.00	9380	05/15/02	173.97
043002	R 4/02WG	1253	1,086	2,291.32	2,004.91	161.97	144.36	.00	9583	06/15/02	1,860.56
	RG		157		286.41		20.62	.00	9583	06/15/02	265.79
053102	R 5/02WG	980	858	1,713.86	1,429.63	123.40	107.98	.00	9855	07/15/02	1,391.65
	RG		123		214.23		15.42	.00	9855	07/15/02	298.81
072102	R 6/02WG	1436	1,257	2,438.38	2,133.58	175.57	154.63	.00	9964	08/15/02	1,979.95
	RG		180		304.80		21.94	.00	9964	08/15/02	282.86
083002	R 7/02WG	1368	1,187	2,278.47	1,993.66	164.05	143.55	.00	10063	09/15/02	1,850.11
	RG		171		284.81		20.50	.00	10063	09/15/02	264.31

37. REVENUE PAYABLES HISTORICAL TOTALS FOR DATE *ALL* *ALL* REP06P.136 PAGE: 4
 REP26P Inquiry/Print Owner Paid History PWK 06:25 AM JUL 12, 2005
 FROM RUN MONTH: *ALL* THRU RUN MONTH: *ALL* WELL# 500010

REVENUE/REQ	RUN REV	VOLUME	NET	TOTAL	NET	TOTAL	NET	NET OTHER	CHECK	CHECK	NET
L TYPE	M/Y TYPE	MCF/DBL	MCF/DBL	SALES	SALES	TAXES	TAXES	DEDUCTS	NUMBER	DATE	REVENUE
GRAND GAS TOTALS			43,997	91,494.35	91,494.35	6,586.91	6,586.91	.00			84,907.44
GRAND TOTAL:				91,494.35	91,494.35	6,586.91	6,586.91	.00			84,907.44

31: REVENUE PAYABLES HISTORICAL TOTALS FOR DATE - *ALL* *ALL* RP06P.124 PAGE: 1
 RP26P - Inquiry/Print Owner Paid History PWK 06:25-AM JUL 12, 2005
 FROM RUN MONTH: *ALL* THRU RUN MONTH: *ALL* WELL# 590910

REPER/SEQ & TYPE	RUN REV M/Y TYPE	VOLUME MCF/BSL	NET MCF/BSL	TOTAL SALES	NET SALES	TOTAL TAXES	NET TAXES	NET SALES PRODUCTS	OTHER NUMBER	CHECK DATE	NET REVENUE
GAR125 : DELMER GARRETT 440-20-1905 NOT INCORPORATED ALL REVENUE INTEREST											
590910	GARRETT GORDON #2										
	CHECK TOTALS			2 566.01			184.77	.00	8373	10/15/01	2,381.24
	CHECK TOTALS			1 935.43			139.41	.00	9523	11/15/01	1,796.02
	CHECK TOTALS			2 267.82			170.53	.00	8685	12/15/01	2,197.29
	CHECK TOTALS			1 985.10			142.98	.00	8852	01/15/02	1,842.12
	CHECK TOTALS			1 878.74			135.32	.00	8982	02/15/02	1,743.42
	CHECK TOTALS			2 555.83			184.05	.00	9143	03/15/02	2,371.78
	CHECK TOTALS			1 696.43			122.20	.00	9237	04/15/02	1,574.23
	CHECK TOTALS			1 499.92			108.03	.00	9380	05/15/02	1,391.89
	CHECK TOTALS			2 291.32			164.97	.00	9583	06/15/02	2,126.35
	CHECK TOTALS			214.23			15.42	.00	9761	07/15/02	198.81
	CHECK TOTALS			1 488.63			107.98	.00	9855	07/22/02	1,391.65
	CHECK TOTALS			304.80			21.94	.00	9897	08/15/02	282.86
	CHECK TOTALS			2 133.58			153.63	.00	9964	08/15/02	1,979.95
	CHECK TOTALS			2 278.47			164.05	.00	10063	09/15/02	2,114.42
	CHECK TOTALS			282.20			20.32	.00	10206	10/15/02	261.88
	CHECK TOTALS			1 975.41			142.24	.00	10297	10/15/02	1,833.17
	CHECK TOTALS			2 471.61			177.96	.00	10358	12/06/02	2,293.65
	CHECK TOTALS			16.51			1.20	.00	10512	12/23/02	15.31
	CHECK TOTALS			115.67			8.72	.00	10589	12/23/02	107.29
	CHECK TOTALS			422.62			30.42	.00	10796	03/14/03	392.20
	CHECK TOTALS			5 438.66			391.60	.00	11763	04/30/03	5,047.16
	CHECK TOTALS			776.95			55.92	.00	11764	04/30/03	721.03
	CHECK TOTALS			4 786.57			344.50	.00	11204	05/28/03	4,442.07
	CHECK TOTALS			683.90			49.20	.00	11205	05/28/03	634.60
	CHECK TOTALS			2 749.21			197.90	.00	11249	06/26/03	2,551.31
	CHECK TOTALS			392.74			28.26	.00	11250	06/26/03	364.48
	CHECK TOTALS			368.69			26.53	.00	11426	07/17/03	342.16
	CHECK TOTALS			2 580.80			185.77	.00	11489	07/17/03	2,395.03
	CHECK TOTALS			432.15			31.10	.00	11586	08/15/03	401.05
	CHECK TOTALS			4 026.04			217.74	.00	11646	08/15/03	3,807.30
	CHECK TOTALS			3 043.46			219.50	.00	11817	09/16/03	2,829.96
	CHECK TOTALS			345.71			24.89	.00	11983	10/16/03	320.82
	CHECK TOTALS			2 419.99			174.21	.00	12043	10/16/03	2,245.78
	CHECK TOTALS			2 741.79			197.37	.00	11725	11/26/03	2,544.42
	CHECK TOTALS			391.68			28.18	.00	11726	11/26/03	363.50
	CHECK TOTALS			333.78			24.02	.00	12209	12/22/03	309.76
	CHECK TOTALS			2 224.50			160.21	.00	12245	12/23/03	2,168.29
	CHECK TOTALS			302.19			21.75	.00	12356	01/21/04	280.44
	CHECK TOTALS			2 119.45			152.29	.00	12406	01/21/04	1,963.06
	CHECK TOTALS			294.06			21.16	.00	12466	02/26/04	272.90
	CHECK TOTALS			2 058.44			148.18	.00	12517	02/26/04	1,910.26

31: REVENUE PAYABLES HISTORICAL TOTALS FOR DATE *ALL* *ALL* RP06P:116 PAGE: 2
 RP26P Inquiry/Print Owner Paid History PWK 06:25-AM JUL 12, 2005
 FROM RUN MONTH: *ALL* THRU RUN MONTH: *ALL* WELL# 590910

WELL#	SEQ.	RUN REV	VOLUME	NET	TOTAL	NET	TOTAL	NET	NET OTHER	CHECK	CHECK	NET
& TYPE	M/Y TYPE	MCF/BSL	MCF/BSL	SALES	SALES	TAXES	TAXES	DEDUCTS	NUMBER	DATE	REVENUE	
GAR125 : DELMER GARRETT 400-20-3966 NET INCORPORATED ALL REVENUE INTEREST												
590910	GARRETT GORDON #2											
093002	R 8/02WG	1487	1,301	2,257.61	1,975.41	162.56	142.24	.00	10297	10/15/02	1,833.17	
	RG		186		282.20		20.32	.00	10206	10/15/02	261.88	
103104	R 9/02WG	1452	1,271	2,471.61	2,162.66	177.94	155.72	.00	10358	12/06/02	2,006.94	
	RG		182		308.95		22.24	.00	10358	12/06/02	286.71	
113002	R 10/02WG	08	60	132.12	125.61	9.50	6.32	.00	10589	12/23/02	107.29	
	RG		9		16.51		1.20	.00	10512	12/23/02	15.31	
013103	R 12/02WG	1565	1,369	3,380.74	2,958.32	243.40	212.98	.00	10885	03/14/03	2,745.34	
	RG		196		423.62		30.42	.00	10796	03/14/03	392.20	
022503-2	R 1/03WG	1201	1,051	2,966.12	2,595.36	213.52	186.84	.00	11763	04/30/03	2,408.52	
	RG		150		370.76		26.68	.00	11764	04/30/03	344.08	
032503-2	R 2/03WG	1101	963	3,240.40	2,841.20	233.90	204.66	.00	11763	04/30/03	2,638.64	
	RG		138		406.19		29.24	.00	11761	04/30/03	376.95	
042503	P 3/03WG	1146	1,003	5,470.37	4,786.57	393.70	344.50	.00	11204	05/28/03	4,442.07	
	RG		142		683.80		49.20	.00	11205	05/28/03	534.60	
052503-1	R 4/03WG	1157	1,012	3,141.95	2,749.21	226.16	197.90	.00	11249	06/26/03	2,551.31	
	RG		145		392.74		28.26	.00	11250	06/26/03	364.48	
062403A	R 5/03WG	1119	979	2,949.49	2,580.80	212.30	185.77	.00	11489	07/17/03	2,395.03	
	RG		140		388.69		26.53	.00	11426	07/17/03	342.16	
072503A	R 6/03WG	1100	963	3,157.19	2,825.04	248.84	217.74	.00	11646	08/15/03	2,807.30	
	RG		138		432.15		31.10	.00	11586	08/15/03	401.65	
082503	R 7/03WG	1107	969	3,049.46	2,668.28	219.50	192.07	.00	11817	09/16/03	2,476.27	
	RG		138		381.18		27.43	.00	11817	09/16/03	353.75	
092503A	R 8/03WG	1080	945	2,765.70	2,419.99	199.10	174.21	.00	12043	10/16/03	2,244.74	
	RG		135		345.71		24.89	.00	11983	10/16/03	320.82	
102503	R 9/03WG	1154	1,010	3,131.47	2,741.79	225.55	197.37	.00	11725	11/26/03	2,544.42	
	RG		144		391.68		28.18	.00	11726	11/26/03	363.50	
112503	R 10/03WG	1107	969	2,670.28	2,346.50	192.23	168.21	.00	12285	12/23/03	2,168.29	
	RG		138		333.78		24.02	.00	12209	12/22/03	309.76	
122503	R 11/03WG	1046	915	2,417.54	2,115.35	174.04	152.29	.00	12406	01/21/04	1,963.06	
	RG		131		302.19		21.75	.00	12356	01/21/04	280.44	
012004A	R 12/03WG	934	817	2,352.50	2,058.44	169.34	148.18	.00	12517	02/26/04	1,910.26	
	RG		110		294.06		21.16	.00	12466	02/25/04	272.90	
WELL CAS- TOTAL		43991	43,997	91,494.35	91,494.35	6586.91	6586.91	.00			84,907.44	
WELL GRAND TOTAL				91,494.35	91,494.35	6586.91	6586.91	.00			84,907.44	
OWNER CAS- TOTAL		43991	43,997	91,494.35	91,494.35	6586.91	6586.91	.00			84,907.44	
OWNER GRAND TOTAL				91,494.35	91,494.35	6586.91	6586.91	.00			84,907.44	
	CHECK TOTALS				2,958.32		212.98	.00	10885	03/14/03	2,745.34	
	CHECK TOTALS				1,932.81		139.12	.00	1770	04/15/01	1,793.69	
	CHECK TOTALS				6,092.57		424.13	.00	1421	05/15/01	5,458.44	
	CHECK TOTALS				1,880.80		279.34	.00	7719	06/15/01	3,601.46	
	CHECK TOTALS				3,595.87		258.86	.00	7889	07/15/01	3,337.01	
	CHECK TOTALS				2,928.86		210.85	.00	8051	08/15/01	2,718.01	
	CHECK TOTALS				1,190.29		157.71	.00	8214	09/15/01	2,032.58	